IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

THURSDAY, THE 8TH MARCH 2007 / 17TH PHALGUNA 1928

Bail Appl..No. 1384 of 2007()

CMP.1769/2007 of J.M.F.C.-III,NEYYATTINKARA
CRIME NO.251/2006 OF KANKIRAMKULAM POLICE STATION

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: PETITIONERS/ACCUSED 1,3 & 4

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1. USHAS @ SYAM KUMAR,
KEELIYODU POTTAVILA VEEDU, PERUMPAZHATHOOR P.O.,

2. AJI R.,
PUTHUVAL PUTHEN VEEDU, KEELIYODE,
PERUMPAZHUTHOOR P.O.

3. LINO V. LAL @ KUKKU,
JAYA BHAVAN, POTTAVILA, PERUMPAZHUTHOOR P.O.

BY ADV. SRI.G.SUDHEER

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 08/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.RAMKUMAR, J.

Bail Application No. 1384/2007

Dated this 8th day of March, 2007

O R D E R

The petitioners, who are accused Nos. 1, 3 and 4 in Crime No.251/2006 of Kanjiramkulam Police Station for offences punishable under Sections 143, 147, 148, 452, 323, 324 and 326 IPC read with Section 149 IPC and also under Section 27 of the Arms Act, 1959, seek their enlargement on bail. The occurrence took place at about 1.30 a.m on 22.12.2006. The petitioners surrendered before the Magistrate on 24.2.2007 and were remanded to judicial custody where they are continuing.

2. The learned Public Prosecutor opposed the application.

3. The case of the prosecution is that the accused persons, 9 in number, out of their previous enemity towards the defacto complainant, criminally trespassed into the house of the defacto complainant after breaking open the door and assaulted the husband of the defacto complainant with deadly weapons like sword, wooden logs etc., causing injuries

including fracture on lower leg and left clavicle.

4. Considering the daring manner in which the offences were committed and that too during the dead of the night after breaking open the front door of the house of the defacto complainant and also considering the length and duration of the judicial custody of the petitioners, I am inclined to grant bail to the petitioners only from a future date. Accordingly, the petitioners are directed to be released on bail with effect from 28.3.2007, on each of them executing a bond for Rs. 10,000/- (Rupees ten thousand only) with two solvent sureties each for the like amount to the satisfaction of the J.F.C.M-III, Neyyattinkara and subject to the following conditions:

(a). The petitioners shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.

(b). The petitioners shall make themselves available for interrogation as and when required by the police till the filing of the final report.

(c). The petitioners shall not influence or intimidate the prosecution witnesses nor shall they attempt to tamper with the evidence for the prosecution.

(d). The petitioners shall not commit any offence while on bail.

5. If the petitioners commit breach of any of the above conditions, the bail granted to them shall be liable to be cancelled.

The application is allowed as above.

V.RAMKUMAR,
JUDGE

mrcs